

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

03-CR-6051L

v.

NICHOLAS J. COLANGELO,

Defendant.

This Court referred pretrial matters to United States Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. § 636(b). The defendant moved to suppress evidence relating to tapes containing conversations between the defendant and a confidential informant that were monitored by the Government.

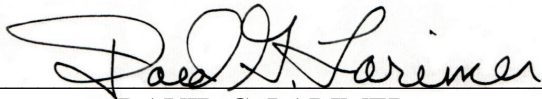
Magistrate Judge Feldman held a hearing to determine the voluntariness of the informant's consent to have his conversations recorded. After an extensive hearing, Magistrate Judge Feldman issued a Report and Recommendation that the motion to suppress should be denied. By letter filed March 16, 2005, defense counsel requested a thirty day extension within which to file objections. That request was granted the same day, but no objections to the Report and Recommendation have been filed.

I have reviewed the Magistrate Judge's thorough Report and Recommendation which sets forth the facts and the law on this issue, and I agree with Magistrate Judge Feldman that the motion to suppress should be denied.

CONCLUSION

Defendant's motion to suppress evidence concerning recorded conversations with the confidential informant is denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 30, 2005.